

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Joshua Lee McMILLEN

Case No. 2:20-mj-719

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/09/2020 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 751(a)

Escape from Custody

This criminal complaint is based on these facts:

On October 9th, 2020, Joshua Lee McMILLEN did knowingly escape from the custody of the United States Bureau of Prisons in violation of 18 U.S.C. § 751(a). Furthermore, the aforementioned escape from custody occurred within the Southern District of Ohio.

☒ Continued on the attached sheet.


Complainant's signature

Brad M. Fleming, DUSM

Printed name and title

Sworn to before me and signed in my presence.

October 16, 2020

Date: _____

City and state: Columbus, Ohio


Kimberly A. Johnson

United States Magistrate Judge



AFFIDAVIT

I, Brad M. Fleming, being duly sworn, do hereby declare and state the following:

- 1) I am a Deputy United States Marshal assigned to the Southern District of Ohio. I have been employed with the United States Marshals Service (USMS) since April 1, 2010. As a Deputy U.S. Marshal, I am authorized under Title 28 U.S.C. § 564 to enforce the laws of the United States, including 18 U.S.C. § 751 entitled Prisoners in custody of institution or officer, and all its subsections. I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator Training Program at Glynco, Georgia.
- 2) I am the case agent for the criminal investigation of Joshua Lee McMILLEN, a person who, while in the custody of the United States Bureau of Prisons (USBOP or BOP), did escape custody of the BOP in violation of 18 U.S.C. § 751(a). This affidavit is based upon my examination of various official documents sourced from the USBOP, USMS and the Office of the Clerk of Courts for the Southern District of Ohio. When the contents of the documents or statements of others are reported herein, they are reported in substance and part unless otherwise indicated. I have not included in this affidavit, all information known by me relating to the investigation. I have set forth facts to establish probable cause for an arrest warrant for Joshua Lee McMILLEN. I have not withheld any evidence or information which would negate probable cause.
- 3) This affidavit is made in support of an application for a criminal complaint charging Joshua Lee McMILLEN with Escape, a violation of 18 U.S.C. § 751(a). Based on my training, experience and participation in this and other investigations, I am aware of the following facts:
- 4) On May 23rd, 2008, Joshua Lee McMILLEN was arrested on an arrest warrant that was issued out of the District Court for the Southern District of Ohio pursuant to a Grand Jury Indictment in Southern Ohio case 2:08-cr-00093. The indictment charged McMILLEN with 15 counts, all of which were drug or firearm related.
- 5) On March 5th, 2009, McMILLEN pleaded guilty to two counts; Count 1 - Possession with the Intent to Distribute 50 or more grams of Cocaine Base and Count 4- Possession of a Firearm in

Furtherance of a Drug Trafficking Crime, with the remaining 13 counts dismissed upon sentencing.

- 6) On July 9th, 2009, McMILLEN was sentenced by US District Judge Gregory L. Frost to 121 months on Count 1 and 60 months on Count 4 to be served consecutively for a total 181 months incarceration in the US Bureau of Prisons. Incarceration was to be followed by a term of 5 years of Supervised Release.
- 7) On August 10th, 2009, McMILLEN was released to the US Bureau of Prisons and incarcerated at FCI Allenwood.
- 8) On July 2nd, 2019, McMILLEN's sentence was reduced by US District Judge Michael H. Watson to 105 months on Count 1 and 60 months on Count 4 to be served consecutively for a total 165 months incarceration in the US Bureau of Prisons to be followed by a term of 5 years of Supervised Release.
- 9) On June 23rd, 2020, McMILLEN was transferred from FCI Terre Haute to the Alvis House for Men located at 1755 Alum Creek Drive, Columbus, OH 43207, where he was to remain in the custody of the USBOP until his projected release date of December 17th, 2020. The Alvis House for Men is a Halfway House located in the Southern District of Ohio and a facility approved by the USBOP for transitioning federal inmates. Inmates generally serve several months at the Alvis House or a like facility at the end of a sentence of incarceration before being released into the community under Supervised Release. Generally, the time served at the Alvis House is a portion of the inmate's sentence of incarceration and while they may be permitted to leave the facility for approved purposes such as employment or medical treatment, the inmate remains in the custody of the United States Bureau of Prisons.
- 10) On October 9th, 2020, McMILLEN left the Alvis House on an 'approved work movement' and did not return for his curfew, which was set at 1700 hours on October 9th, 2020. That same day, McMILLEN's father advised the Alvis House staff that he had received a text message from

McMILLEN indicating that McMILLEN would not be coming back to the Alvis House. The staff's attempts to contact McMILLEN were not successful.

- 11) USBOP placed McMILLEN in escape status at 1745 hours on October 9th, 2020 and the USMS Columbus office was notified of escape status at 1757 hours on October 9th, 2020. McMILLEN was placed in NCIC as a wanted person at this time by DUSM Craig Martin.
- 12) USBOP Community Corrections Escape Report and Notice of Escaped Federal Prisoner were generated on October 13th, 2020 and received by the USMS Columbus office on the same date. On October 14th, 2020, this affiant was assigned as the lead investigator for the fugitive and criminal investigation.
- 13) As of 1200 hours on October 15th, 2020 McMILLEN has not returned to the Alvis House and his whereabouts remain unknown.
- 14) Based on the foregoing facts, my knowledge and experience, I submit that probable cause exists to believe that Joshua Lee McMILLEN did knowingly escape from the custody of the United States Bureau of Prisons in violation of 18 U.S.C. § 751(a). Furthermore, the escape from custody occurred within the Southern District of Ohio.


Brad M. Fleming
Deputy United States Marshal

Sworn before me and subscribed in my presence the 16th day of October, 2020, at Columbus, Ohio.


Kimberly A. Johnson
United States Magistrate Judge

